

STATEMENT OF FACTS - CARL JUNIOR HACKATHORN

DR. JOHN T. HOLBROOK

DIRECT EXAMINATION

BY MR. WADE:

Q State your name to the jury?

A John T. Holbrook.

Q What is your business, Dr. Holbrook?

A I am a physician.

Q Will you tell this jury what training you have

had --

A Yes, sir.

Q And talk where the last man over here can hear you?

A I took up undergraduate training at Texas Christian University with the degree in Psychology Sociology and Foreign Language line. I later taught school for two years at Angleton, Texas, in the Public School System, setting up their Psychological Testing Program.

Q What school system was that?

A Angleton Public School System, Navarro County, setting up their testing, psychological testing program there. I then went to Huntsville as a prison psychologist and did psychological work and worked in the rehabilitation

*vacated*

*228*  
*> Diplomas  
Certified ?*

department and taught a little, and was appointed and assigned to the penitentiary.

Q Tell the jury how long you were there in that work?

A A little over a year as a prison psychologist.

Q Now, following up this line, and in the psychological testing are you familiar with the various tests that they give?

A Yes, sir, we gave many test. We have about five thousand people there and had a rather large turnover and tested most of those who came into the prison system, for one reason or another.

Q Go ahead, did you--that is where you were practicing psychology?

A Yes, sir.

Q You were originally a psychology major?

A Yes, sir. From there I went back to Fort Worth and took premedical training and during that period of time was employed by the Opportunity Center there as a psychologist and this is a school for mentally retarded children. Worked there two years as their staff psychologist. While I was taking my premedical work.

I came then to Dallas and went to the University of Texas Southwestern Medical School and graduated from there and did my internship at the Baylor University Medical Center and during that time I was employed by Timberlawn

Hospital as an externe during my medical school training. Then when I started my internship there, I was chief of externe there, and did psychological testing there at Timberlawn during that period of time. I trained their externes then, and became a staff resident psychiatrist at Timberlawn for a year and a half, with a field staff psychiatrist residency at Parkland for a year and a half, and I am now employed at the Beverly Hills Hospital on a full time basis, on the full time staff as a psychiatrist.

Q Would you tell the jury what Beverly Hospital is?

A Beverly Hospital is a hospital for the treatment and diagnosis of neuro psychological and psychiatric problems.

Q Is that, in our language, is that mental problems?

A Yes, sir, by and large.

Q Now, are you registered as a -- both a doctor and a psychiatrist?

A Yes, sir.

Q Are those two licenses on file with the County Clerk?

A Yes, sir, they are.

Q What kind of a degree did you get in psychiatry, Dr. Holbrook, did you, is that separate, your medical degree, you first get a medical degree?

A Yes, sir. Then you have to have your internship

and serve three years as a resident psychiatrist, practicing psychiatry during this period of time, and then you are on your own.

Q Are you a member of any board of fellows or association?

A A member of the Dallas County Medical Society, member of the Texas Medical Society, member of the American Medical Association, member of the Texas Neuropsychiatry Society, the Dallas Neuropsychiatry Society, and the American Psychiatric Society.

Q Doctor, I want you to keep your voice up with -- where this last man can hear you over here?

A Yes, sir.

Q And you -- have you had occasion in your life - time to examine many or few mental patients?

A I would say many mental patients.

Q The people that have mental problems of various sorts?

A Yes, sir.

Q Let me ask you if you have had an occasion to examine the defendant, Carl J. Hackathorn in this case?

A Yes, sir, I have.

Q Do you see him sitting in the courtroom?

A Yes, sir, he is the gentleman seated there just the outside of this middle table here.

REDIRECT EXAMINATION

BY MR. WADE:

Q Doctor, why didn't you run all those tests on him?

MR. POWER: Object to that, Your Honor.

THE COURT: Overrule you; you asked him.

MR. POWER: All right, let him answer.

Q (By Mr. Wade) The psychological tests that you have had, you have had quite a bit of experience with, I have believe, you not?

A. Yes, sir.

Q Tell the jury why you didn't?

A Well, in psychiatry we normally use these tests only as a diagnostic aid. If the test results are contrary to our clinical opinions, we tend to negate them somewhat. Tests are usually used to describe to us something about the person, how the dynamics of the individual, rather than diagnose the person and give him some kind of label.

Q It would be, you didn't feel like it was necessary to get a diagnosis of his trouble back then--

MR. POWER: Object to leading, Your Honor.

THE COURT: Don't lead, now, please.

MR. WADE: I believe you said you didn't feel you were--it was necessary to have those tests, that they would be of doubtful aid in arriving at the opinion that you

went to look for?

MR. POWER: Object to leading, Your Honor, and suggesting?

THE COURT: Don't lead, let him state the facts.

Q (BY MR. Wade) What are the facts as to why you didn't give these tests?

A I think they are almost valueless in such a case as this where a man is fighting for his life or he is faced with the impact of society on him for an act that he has committed, and these tests are not invulnerable to manipulation, that is, that means that they can be skewed one direction or another, unless a patient is absolutely psychotic, or unable to organize his thinking to do this, and a man is naturally going to take every chance he can to--

MR. POWER: Object to what a man is going to do, Your Honor.

THE COURT: Yes, sir, sustain it.

Q (MR. Wade) I believe you said he did have some character disorder of a severe sociopathic personality, anti-social type, and what does anti-social type mean?

A It means these folks have tendencies to take out their anger on society in general.

Q Society in general?

A Yes, sir.

Q Is that just another word for being mean in our

A Yes, sir --

MR. BURLESON: Object to that, Your Honor --

THE COURT: Sustain it.

MR. BURLESON: Ask the jury be instructed to disregard it.

Q (By Mr. Wade) Are you familiar with the school of thought on that subject --

MR. BURLESON: Object to him asking that again, Your Honor --

MR. WADE: I am asking if he is familiar with a school of thought on that line --

MR. BURLESON: It is an illegal question, the court has sustained it, and now he is trying --

MR. WADE: I am talking about the whole field of psychiatry, Your Honor.

THE COURT: Wait a minute; are you asking whether - about whether there is any psychiatrist who teach anything like that?

MR. WADE: I will ask you if there is any --

THE COURT: If that is in the studies and courses, why, I will let him answer whether there is any such theory taught in psychiatry.

Q (by Mr. Wade) Are there studies and courses and books and psychiatrists that feel that anybody who commits murder is, should not be punished or subjected to punishment

is that -- because they, -- . . .

A Yes, sir.

Q There is a school of that thought?

A Yes, sir.

Q Do we have a few of those around Dallas?

MR. DURLISON: Object to that.

THE COURT: Sustain that.

MR. WADE: Pass the witness.

#### REGROSS EXAMINATION

BY MR. POWER:

Q The State of Texas, through the District Attorney's office is paying you for your testimony, are they not?

A I am being remunerated for my time, counsel.

MR. POWER: Thank you, Doctor.

MR. WADE: Doctor, it is your opinion that the defendant, Carl J. Hackathorn, is or is it not your opinion, that at the time he killed Bobbie Smith, knew the difference between right and wrong and the nature and consequences of his act?

MR. DURLISON: Object, Repetitious.

THE COURT: I believe --

MR. WADE: what are the facts as to that?

THE COURT: I believe he answered that, Mr. Wade.

MR. WADE: All right, Your Honor, that is all.

MR. POWER: That is all, Your Honor.